

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO ALBERTO GUTIERREZ,

Defendant.

3:20-CR-017-RCJ-CLB

**Preliminary Order of Forfeiture**

This Court finds Francisco Alberto Gutierrez pled guilty to Count One of a One-Count Information charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Information, ECF No. 12; Arraignment & Plea, ECF No. 19; Plea Agreement, ECF No. 21.

This Court finds Francisco Alberto Gutierrez agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Information. Information, ECF No. 12; Arraignment & Plea, ECF No. 19; Plea Agreement, ECF No. 21.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Information and the offense to which Francisco Alberto Gutierrez pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

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1           1.       a Glock 22, .40 caliber pistol, bearing serial number CWE930 US; and  
2           2.       any and all ammunition  
3 (all of which constitutes property).

4           This Court finds that the United States of America may amend this order at any time  
5 to add subsequently located property or substitute property to the forfeiture order pursuant  
6 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

7           This Court finds the United States of America is now entitled to, and should, reduce  
8 the aforementioned property to the possession of the United States of America.

9           NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
10 DECREED that the United States of America should seize the aforementioned property.

11          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
12 rights, ownership rights, and all rights, titles, and interests of Francisco Alberto Gutierrez in  
13 the aforementioned property are forfeited and are vested in the United States of America  
14 and shall be safely held by the United States of America until further order of the Court.

15          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
16 of America shall publish for at least thirty (30) consecutive days on the official internet  
17 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
18 describe the forfeited property, state the time under the applicable statute when a petition  
19 contesting the forfeiture must be filed, and state the name and contact information for the  
20 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
21 and 21 U.S.C. § 853(n)(2).

22          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
23 or entity who claims an interest in the aforementioned property must file a petition for a  
24 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
25 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §  
26 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
27 right, title, or interest in the forfeited property and any additional facts supporting the  
28 petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
2 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal  
3 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty  
4 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
5 after the first day of the publication on the official internet government forfeiture site,  
6 [www.forfeiture.gov](http://www.forfeiture.gov).

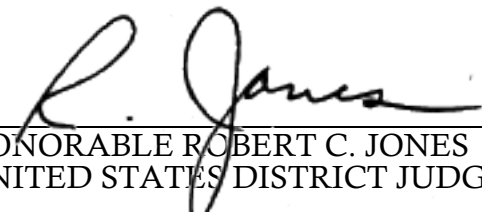
7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
8 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
9 Attorney's Office at the following address at the time of filing:

10 Daniel D. Hollingsworth  
11 Assistant United States Attorney  
12 James A. Blum  
13 Assistant United States Attorney  
14 501 Las Vegas Boulevard South, Suite 1100  
15 Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
17 described herein need not be published in the event a Declaration of Forfeiture is issued by  
18 the appropriate agency following publication of notice of seizure and intent to  
19 administratively forfeit the above-described property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
21 copies of this Order to all counsel of record.

22 DATED May 14, 2020.

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24 HONORABLE ROBERT C. JONES  
25 UNITED STATES DISTRICT JUDGE  
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